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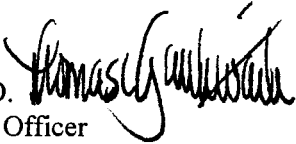
THOMAS L. GARTHWAITE, M.D.
Director and Chief Medical Officer


FRED LEAF
Chief Operating Officer

COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES
313 N. Figueroa, Los Angeles, CA 90012
(213) 240-8101

July 27, 2005

TO: Each Supervisor

FROM: Thomas L. Garthwaite, M.D. 
Director and Chief Medical Officer

Jonathan E. Fielding, M.D., M.P.H. 
Director of Public Health and Health Officer

SUBJECT: **MEDICAL MARIJUANA**

On June 14, 2004, the Board approved a motion by Supervisor Yaroslavsky, directing the Department of Health Services, Sheriff's Department and County Counsel to report to the Board in two weeks on the implication of the Supreme Court Decision in Gonzales v. Raich for the implementation of Proposition 215 in Los Angeles County. This is a status report on developments since our July 1, 2005 report.

On July 6, 2005, the California Department of Health Services (CDHS) wrote to the county health officers notifying them that the CDHS had suspended its pilot Medical Marijuana identification card program pending clarification of legal questions by the State Attorney General.

On July 19, 2005 CDHS notified counties that the Attorney general had advised that operating the identification card program would not aid and abet marijuana users in committing a federal crime. Further, the CDHS reported that the Attorney General had affirmed that information received from applicants for the identification cards may be obtained by federal officials to identify them for prosecution, and thus, the CDHS will modify the identification card application to inform applicants of this. The CDHS requested pilot counties to resume processing applications and indicated that statewide phased implementation will begin August 1, 2005.

County Counsel has advised the Department that when the State finalizes the required administrative protocols, local health departments have a statutory duty to administer the program in accordance with the protocols. The Program requires that counties:

- Identify the governmental or nongovernmental organization that is designated to carry out Program responsibilities.
- Establish the county fee portion of application charges.
- Utilize medical marijuana program protocols developed by the CDHS.
- Provide, receive, and process applications for medical marijuana identification cards.
- Take an electronically transmissible photo of the applicant (patient and/or primary caregiver) that meets criteria prescribed in the state protocols.
- Collect application fees from applicants and transmit the State portion to the CDHS.
- Utilize the Web-based system to transmit a limited amount of application information (e.g., designation of patient or primary caregiver, his or her photo, county or its designee and phone number, card expiration date, etc.) to the CDHS' card production and data repository system.
- Receive state produced identification cards and issue them to the cardholders.
- Maintain various county records of the medical marijuana program.

We will analyze the projected staffing and necessary equipment to implement this program and determine its recommended organizational placement. We will seek information on the probable number of potential applications so that we can recommend a fee for the Board's approval to recover the program's cost, working with the Chief Administrative Officer and the Auditor-Controller. Within 60 days, we will file a Board letter for your agenda with an ordinance to establish the fee. In the meantime, if you have any questions or need additional information, please let either of us know.

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c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors